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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,487	02/20/2001	Tomer Palatin	2457/1	6543

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EXAMINER

THOMPSON JR, FOREST

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/785,487

Applicant(s)

PALATIN, TOMER

Examiner

Forest Thompson Jr.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Action is responsive to applicant's preliminary amendment filed 02/22/2002. Pre-amendment added new claims 19-23. Claims 1-23 are pending.

2. Claims 1-23 have been examined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-12, 14-16, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent No. 5,862,223).

Claims 1, 6, 7, 9, 10, 11, 14, 19: Walker discloses:

- the plurality of user clients, each of the user clients designed and configured to operate a graphical user interface, said graphical user interface designed and configured for offering the at least one item for sale (col. 15 lines 21-42);
- at least one server capable of communicating with each user client of the plurality of user clients (col. 7 lines 6-29);
- providing, by means of a server, information pertaining to the at least one item for sale to the user client belonging to the plurality of user clients, wherein said information

including information pertaining to a plurality of fixed prices for the at least one item for sale (col. 5 line 51 – col. 6 line 25);

- revealing a single price from said plurality of fixed prices to the consumer in return for a fee (col. 23 lines 24-46); and
- further remitting to said account said single price in order to purchase the item for sale (col. 9 lines 29-38).
- debiting an account belonging to the at least one consumer for the amount of said fee (col. 9 lines 29-38).
- remitting to an account of the party a fee in order to ascertain a single price from said plurality of fixed prices (col. 23 lines 24-46).
- allowing the consumer to cancel the sale (col. 10 lines 44-53);
- permitting the consumer to request the display of an additional fixed price belonging to said plurality of fixed prices of the at least one item for sale and debiting said account for an additional fee (col. 10 lines 44-53).

Claims 2, 8, 12, 15, 20: Walker discloses said plurality of fixed prices is selected from the group consisting of identical prices and varied prices (col. 5 line 51 – col. 6 line 53).

Claims 3, 16, 21. Walker discloses said at least one server is further designed and configured for providing a list displayed in said graphical user interface, said list including all of said plurality of fixed prices (col. 7 lines 6-29; col. 16 lines 1-12).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 13, 17-18, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,862,223) as applied to claims 1, 10, 14, and 19 above, and further in view of Official Notice.

Claims 4, 13, 17, 22. Walker does not explicitly disclose remitting an additional fee to said account in order to ascertain an additional fixed price belonging to said plurality of fixed prices. However, in the sections above, Walker discloses a customer's activity to remit a fee and acquire pricing information for a desirable item, which encompasses the additional fee to said account in payment for an additional service provided to the customer who chooses to acquire an additional fixed price for a prospective purchase by the customer (applicant's claimed aspect). Therefore, the same rejection is applied.

Additionally, Walker does not explicitly disclose said server is further designed and configured for allowing the consumer to cancel the sale. However, Official Notice is taken that allowing a potential consumer to cancel or modify a sale is old and well known in the art. Merchants provide services that are desirable to consumers in order to provide client satisfaction, and possibly to encourage consumers to purchase their

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products and to provide repeat business opportunities. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Walker to explicitly allow the consumer to cancel the sale, as disclosed in old and well known art, for the motivation of offering at least one item for sale to at least one consumer operating at least one user client belonging to a plurality of user clients.

Claims 5, 18, 23: Walker does not explicitly disclose further debiting said account for an additional fee if the consumer elects to have an alternate single price made available. However, Official Notice is taken that merchants may charge additional fees if a customer changes a purchase request after it has been submitted. Merchants may charge this fee to pay for the additional processing activity required for the purchase request or, possibly, to compensate for increased service or product costs incurred by the change. Additionally, a consumer may be charged a fee if the consumer cancels the purchase activity, to possibly compensate the merchant for his activities or discourage such cancellations. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Walker to explicitly further debit said account for an additional fee if the consumer elects to have an alternate single price made available, for the motivation of offering at least one item for sale to at least one consumer operating at least one user client belonging to a plurality of user clients.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Shkedy (U.S. Patent No. 6236972) that discloses a method and device for using a computer to facilitate a transaction of secondary market shares of an investment company such as a mutual fund between a buyer and a seller, having the steps of: a customer determining the mutual fund to be traded receiving a schedule of fees from the central controller, the customer selecting the class of shares and inputting the quantity to be traded, the customer selecting the order type and adding any special instructions. The customer then submits the order to the central controller. The central controller will match buyers and sellers and determine which orders were executed.
- Iwamura (U.S. Patent No. 6272535) that discloses an accounting apparatus has a money input, by which a user can input an amount of money into the apparatus. A receiver receives a body of information transmitted over a communication medium, and a register is arranged to store at least two data received with such body of information. A control unit processes the at least two data in the register received with such body of information, and the amount input by the user via the money input, and an indicator indicates to the user whether the user is permitted access to the body of information, based on a result of processing provided by the control unit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

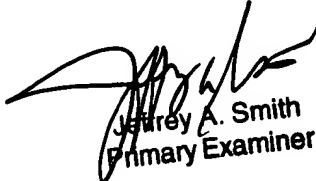
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT   
19 December 2003

  
Jeffrey A. Smith  
Primary Examiner